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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,870	02/09/2004	Brant L. Candelore	SNY-T5780.01	8804

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MILLER PATENT SERVICES
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RALEIGH, NC 27606

EXAMINER	
MOORTHY, ARAVIND K	
ART UNIT	PAPER NUMBER
2431	

MAIL DATE	DELIVERY MODE
03/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/774,870	CANDELORE ET AL.	
	Examiner	Art Unit	
	ARAVIND K. MOORTHY	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 January 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-7,12 and 16-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-7,12 and 16-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the communications filed on 25 January 2010.

2. Claims 1, 5-7, 12 and 16-22 are pending in the application.

3. Claims 1, 5-7, 12 and 16-22 have been rejected.

4. Claims 2-4, 8-11 and 13-15 have been cancelled.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 5-7, 12 and 16-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 5-7, 12 and 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Ranjan U.S Patent No. 7,376,829 B2.

As to independent claim 1, Ranjan discloses a method of manipulating a stream of video data in a point of deployment module device, comprising:

at the point of deployment module device co-located (i.e. primary receiver) with a retail host television receiver device [column 3, lines 28-44]:

receiving a stream of video data from the host television receiver device, the stream of video data being received by the host television receiver device

from a multimedia broadcaster and being encoded according to a first coding, and wherein the stream of video data includes encrypted data (i.e. the transport stream is scrambled) [column 4, lines 35-49];

decrypting the encrypted data at the point of deployment module [column 5 line 61 to column 6 line 5];

transcoding the stream of video data associated with the host television receiver device to convert the stream of video data to a second coding (i.e. reencode to a different format), producing a transcoded data stream [column 7, lines 3-33];

encrypting the transcoded data stream at the point of deployment module [column 6, lines 6-15]; and

sending the transcoded data stream back to the host television receiver device [column 6, lines 6-15].

As to claims 5, 16 and 20, Ranjan discloses that the second coding comprises MPEG compliant coding [column 7, lines 3-33].

As to claims 6, 17 and 21, Ranjan discloses that the point of deployment module comprises a point of deployment module compliant with an OpenCable™ standard format [column 7, lines 50-63].

As to claims 7, 18 and 22, Ranjan discloses that the second coding comprises MPEG 2 compliant coding [column 7, lines 3-33]. Ranjan discloses that the first coding comprises one of MPEG 4 compliant coding, MPEG 7 compliant coding, Wavelet compression coding, and AVC coding [column 7, lines 3-33].

As to independent claim 12, Ranjan discloses a point of deployment module device for manipulation of a stream of data, comprising:

means forming a part of the point of deployment module device (i.e. primary receiver) co-located with a retail host television receiver device for receiving a stream of video data from the host television receiver device, the stream of video data being received by the host television receiver device from a multimedia broadcaster and being encoded according to a first coding (i.e. first format) and including encrypted data [column 3, lines 28-44] (i.e. the transport stream is scrambled) [column 4, lines 35-49];

a decrypter that decrypts the encrypted data [column 5 line 61 to column 6 line 5];

a transcoder forming a part of the point of deployment module device that transcodes the stream of video data to convert the stream of video data to a second coding (i.e. reencode to a different format), producing a transcoded data stream [column 7, lines 3-33];

an encrypter that encrypts the transcoded data stream [column 6, lines 6-15]; and

means forming a part of the point of deployment module device for sending the encrypted transcoded data stream back to the host television receiver device [column 6, lines 6-15].

As to independent claim 19, Ranjan discloses a point of deployment module device for manipulation of a stream of data, comprising:

means forming a part of the point of deployment module device (i.e. primary receiver) co-located with a retail host television receiver device for receiving a stream of video data, comprising encrypted data, from the host television receiver device, the stream of video data being received by the host television receiver device from a multimedia broadcaster and encoded according to a first coding (i.e. first format) [column 3, lines 28-44] (i.e. the transport stream is scrambled) [column 4, lines 35-49];

a decrypter forming a part of the point of deployment module device that decrypts the encrypted data [column 5 line 61 to column 6 line 5];

a transcoder forming a part of the point of deployment module device that transcodes the stream of video data received from the host television receiver device to convert the stream of video data to a second coding (i.e. reencode to a different format), producing a transcoded data stream [column 7, lines 3-33];

an encrypter forming a part of the point of deployment module device that encrypts the transcoded stream [column 6, lines 6-15]; and

means for forming a part of the point of deployment module device for sending the encrypted transcoded data stream back to the host television receiver device [column 6, lines 6-15].

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARAVIND K. MOORTHY whose telephone number is (571)272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aravind K Moorthy/
Examiner, Art Unit 2431